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W.T. Plaintiff, v. THE PINGRY SCHOOL; THAD ALTON; BRUCE BOHRER and JOHN DOES (1- 10) unknown defendants, Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: SOMERSET COUNTY DOCKET NO.: <u>Civil Action</u> COMPLAINT AND JURY DEMAND
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Plaintiff, W.T., a minor, at the time of the incidents described herein (currently 52 years of age), residing in the Township of Whippany, County of Morris, State of New Jersey, by way of Complaint against the Defendants, alleges and says:

THE PARTIES

1. At all relevant times herein, Defendant, The Pingry School was and is a private entity organized and existing pursuant to the laws of the State of New Jersey, with a place of business at 131 Martinsville Road, Basking Ridge, New Jersey 07920.

2. At all relevant times herein Defendant, Thad Alton was employed by Defendant, The Pingry School as a teacher, coach, Scoutmaster, and/or assistant principal.

3. At all relevant times herein Defendant, Bruce Bohrer was employed by the Defendant, The Pingry School as a teacher/instructor.

4. The Defendants, John Does (1-10), which names are fictitious as the true identities of these Defendants are unknown to date, are individuals who knew, participated in, and/or reasonably should have known or knowingly condoned and/or covered up the acts and/or omissions of the Defendants, The Pingry School, Thad Alton and Bruce Bohrer. Furthermore, any and all allegations set forth herein shall be directed at each of them individually and in their official capacities.

FACTUAL BACKGROUND

5. At all times mentioned herein, The Pingry School was a duly authorized private school.

6. At all times mentioned herein, Defendant Thad Alton was an employee, agent or servant of the Defendant, The Pingry School and was at all times acting in the course of that employment.

7. At all times mentioned herein, Defendant Bruce Bohrer was an employee, agent or servant of the Defendant, The Pingry School and was at all times acting in the course of that employment.

8. The Defendants John Does (1-10) which names are fictitious as the true identities of these Defendants are unknown to date are individuals who knew, participated in, and/or reasonably should have known or knowingly condoned and/or covered up the acts and/or omissions of the Defendants, The Pingry School, Thad Alton and Bruce Bohrer.

9. At all times mentioned herein, Plaintiff W.T. was a student at The Pingry School and/or Short Hills Country Day School (hereinafter "SHCDS"). Short Hills Country Day School merged with The Pingry School in 1974. W.T. attended The Pingry School at all times relevant herein.

10. While a student at The Pingry School, W.T became acquainted with Defendants, Thad Alton and Bruce Bohrer. Thad Alton was W.T.'s Scoutmaster for the Boy Scout Troop #64.

11. Beginning September of 1976 up to and including June of 1979, Defendant Thad Alton during school hours and after school hours, had improper sexual contact with minor, W.T.

12. During the period of time from September of 1976 up to and including June of 1979, Defendant Bruce Bohrer would engage in inappropriate sexual conduct with minor W.T.

FIRST COUNT

13. Plaintiff repeats each and every prior allegation of the Complaint as if the same were set forth at length herein.

14. Over the course of several years, beginning in September of 1976 up to and including June of 1979, Defendant Thad Alton, did illegally molest, fondle, humiliate, harass, and sexually assault minor Plaintiff T.W.

15. Defendant Thad Alton, acting under color of law, violated Plaintiff's civil rights by engaging in such conduct. Plaintiff W.T. was deprived of his rights in accordance with the Constitution of the United States, including but not limited to the Federal Civil Rights Act, 42 U.S.C. §1983, the Constitution of the State of New Jersey, including but not limited to the New Jersey Civil Rights Act, N.J.S.A. 10:6-2, and the New Jersey Child Sex Abuse Act.

16. All of the acts aforesaid were undertaken in a willful and malicious manner with an immoral purpose, and Defendant is therefore liable to Plaintiff for punitive damages in addition to compensatory damages.

17. As a direct and proximate result of the actions of the Defendants, and particularly their willful, intentional, false, reckless and/or grossly negligent actions in sexually molesting, fondling and assaulting Plaintiff, Plaintiff was greatly humiliated and disgraced, suffered great mental and physical anguish, suffered severe damage to his reputation and has otherwise been damaged and injured. The minor Plaintiff, W.T., has complied with the requirements of N.J.S.A. 8-3 (if applicable hereto).

WHEREFORE, Plaintiff demands judgment for damages against Defendants, The Pingry School, Thad Alton, Bruce Bohrer and John Does (1-10), for both compensatory and punitive damages, together with reasonable attorney's fees, lawful interest, and costs of suit.

SECOND COUNT

18. Plaintiff repeats each and every prior allegation of the Complaint as if the same were set forth at length herein.

19. Over the course of several years, beginning in September of 1976 up to and including June of 1979, Defendant Bruce Bohrer, did illegally molest, fondle, humiliate, harass, and sexually assault W.T.

20. Defendant, Bruce Bohrer, acting under color of law, violated Plaintiff's civil rights by engaging in such conduct.

Plaintiff W.T. was deprived of his rights in accordance with the Constitution of the United States, including but not limited to the Federal Civil Rights Act, 42 U.S.C. §1983, the Constitution of the State of New Jersey, including but not limited to the New Jersey Civil Rights Act, N.J.S.A. 10:6-2, and the New Jersey Child Sex Abuse Act.

21. All of the acts aforesaid were undertaken in a willful and malicious manner with an immoral purpose, and Defendant is therefore liable to Plaintiff for punitive damages in addition to compensatory damages.

22. As a direct and proximate result of the actions of the Defendants, and particularly their willful, intentional, false, reckless and/or grossly negligent actions in sexually molesting, fondling and assaulting Plaintiff, Plaintiff was greatly humiliated and disgraced, suffered great mental and physical anguish, suffered severe damage to his reputation and has otherwise been damaged and injured. The minor Plaintiff, W.T., has complied with the requirements of N.J.S.A. 8-3 (if applicable hereto).

WHEREFORE, Plaintiff demands judgment for damages against Defendants, The Pingry School, Thad Alton, Bruce Bohrer and John Does (1-10), for both compensatory and punitive, together with reasonable attorney's fees, lawful interest, and costs of suit.

THIRD COUNT

23. Plaintiff repeats each and every prior allegation of the Complaint as if the same were set forth at length herein.

24. At all times mentioned herein, the Defendant, The Pingry School, was the employer of the individual defendants who were acting as their agents, servants and/or employees.

25. Defendant, The Pingry School, failed to use reasonable care in the selection of its employees, agents and servants, failed to properly train and supervise the individual defendants, and failed to provide appropriate safeguards to prevent the unlawful conduct described resulting in the violation of Plaintiff's civil rights.

26. The Defendant, The Pingry School, acted under color of law pursuant to their official policy or custom and practice and intentionally, knowingly, recklessly or with deliberate indifference failed to properly and adequately control and discipline on a continuing basis the individual defendants in the performance of their duties and otherwise failed to refrain the individual defendants from the unlawful conduct described resulting in the violation of Plaintiff's civil rights.

27. The Defendants, The Pingry School, had knowledge of or had it diligently exercised its duties to instruct, supervise,

control, and discipline the individual defendants on a continuing basis should have had knowledge of the wrongs that were done as alleged and intentionally, knowingly, or with deliberate indifference to the rights of Plaintiff failed or refused to prevent their occurrence.

WHEREFORE, Plaintiff demands judgment against Defendants, The Pingry School, Thad Alton, Bruce Bohrer and John Does (1-10) for both compensatory and punitive damages, together with reasonable attorneys' fees, lawful interest, and costs of suit.

FOURTH COUNT

28. Plaintiff repeats each and every prior allegation of the Complaint as if the same were set forth at length herein.

29. Beginning in September of 1976 up to and including June of 1979, Defendants Thad Alton, Bruce Bohrer, The Pingry School, and John Does (1-10), their agents, servants and employees, engaged in acts intended to inflict severe emotional distress upon minor Plaintiff, W.T.

30. By reason of the foregoing, Plaintiff W.T. suffered emotional distress and has been damaged.

31. By reason of the aforesaid intentional and negligent infliction of emotional distress, Plaintiff was caused to suffer severe painful and permanent injuries, and was compelled to undergo

medical aid and psychiatric treatment, and was precluded from engaging in her usual activities.

WHEREFORE, Plaintiff demands judgment against Defendants, The Pingry School, Thad Alton, Bruce Rhorer, and John Does (1-10) for both compensatory and punitive damages, together with reasonable attorneys' fees, lawful interest, and costs of suit.

FIFTH COUNT

32. Plaintiff repeats each and every prior allegation of the Complaint as if the same were set forth at length herein.

33. The Defendants John Does (1-10) are responsible by their knowledge, action and/or inaction, as if all allegations subsequently set forth herein pertaining to all defendants were set forth herein as to these said defendants.

34. The acts of said defendants, acting under color of law, described herein above, were undertaken and/or enabled by and/or during the course and/or within the scope of his/her employment, appointment and/or agency with any of the defendants, The Pingry School, Thad Alton, Bruce Bohrer and John Does (1-10).

35. At all times material hereto, said Defendants knew or reasonably should have known of the unreasonable danger to Plaintiff W.T. due to defendants' deviations from accepted standards of care.

36. Said defendants knew and/or reasonably should have known that defendants posed and unreasonable risk of abuse and harm to Plaintiff.

37. Defendants owed Plaintiff a duty to protect him directly and/or indirectly from defendants.

38. Said defendants' palpably unreasonable, willful, wanton and/or grossly negligent acts and/or omissions, resulted directly, and/or proximately in the damage set forth herein.

39. But for said defendants' knowledge of defendant's willful, wanton, and/or grossly negligent acts and/or omission, Plaintiff would not have been harmed in the matter in which she is presently harmed.

40. As a direct result of said conduct, Plaintiff has suffered the injuries described herein.

WHEREFORE, Plaintiff W.T. demands judgment against Defendants, The Pingry School, Thad Alton, Bruce Bohrer and John Does (1-10), jointly and severally for compensatory and punitive damages together with interest, costs of suit, attorney's fees and other appropriate relief.

SIXTH COUNT

41. Plaintiff repeats each and every prior allegation of the Complaint as if the same were set forth at length herein.

42. Defendants had actual and/or constructive knowledge of defendants Thad Alton and Bruce Bohrer proclivities and/or improper behavior towards students, including but not limited to Plaintiff, and it is therefore reasonably foreseeable that, in the ordinary course of their employment, they would pose a threat to others.

43. Defendants as set forth herein, had a duty to exercise reasonable care in the selection, supervision, appointment and/or employment of Defendants Thad Alton and Bruce Bohrer, for the work assigned to them and for purposes of determining their fitness for access to minors, including Plaintiff and was negligent and/or grossly negligent in that said defendants failed to adopt and establish reasonable policies, guidelines, or other means whereby they would learn to recognize an employee's deviant behavior or failed to adequately screen and/or investigate the aforementioned defendants prior activities and/or behavior with regard to the public and failed to adequately monitor and/or investigate Defendants Thad Alton and Bruce Bohrer conduct during his training, and conduct.

44. The Defendants had an ongoing duty to keep and maintain Defendants Thad Alton and Bruce Bohrer under continuous and/or reasonable supervision that provided assurance that Defendants Thad Alton and Bruce Bohrer, were fit to perform their employment

and did not present a risk to the health, safety and welfare of the students, including Plaintiff.

45. The Pingry School breached their duty of care in that they failed to take any action to ensure that Plaintiff was not harmed by Defendants Thad Alton and Bruce Bohrer, despite their actual and/or constructive notice of Defendants Thad Alton and Bruce Bohrer conduct, more specifically, Defendants, The Pingry School, Thad Alton, Bruce Bohrer, and John Does (1-10), negligently screen, selected, trained, retained and employed Defendants Thad Alton and Bruce Bohrer, to the position of trust and authority as a teacher, in direct contact with minor students and further negligently failed to provide adequate warning to Plaintiff, failed to adopt and establish policies, guidelines, or other means protecting Plaintiff. Additionally, the aforementioned negligent acts and/or omissions amounted to gross negligence.

46. At all times material hereto, Defendants actions were willful, wanton, malicious, reckless and/or outrageous in their disregard for the rights, safety and welfare of minor Plaintiff, W.T.

47. As a direct result of said negligence and/or grossly negligent conduct, Plaintiff W.T. has suffered the injuries and damages described herein.

WHEREFORE, Plaintiff W.T. demands judgment against Defendants, The Pingry School, Thad Alton, Bruce Bohrer, and John Does (1-10), jointly and severally for compensatory and punitive damages together with interest, costs of suit, attorney's fees and other appropriate relief.

SEVENTH COUNT

48. Plaintiff repeats each and every prior allegation of the Complaint as if the same were set forth at length herein.

49. The Defendants, The Pingry School, and John Does (1-10), are responsible to supervise their agents, servants and/or employees, serving the Defendant, The Pingry School, and specifically, had a duty not to aid Defendants Thad Alton and Bruce Bohrer by assigning, maintaining and/or appointing them to a position with access to minors.

50. In fulfilling their duties and responsibilities, the agents, servants and employees of the Defendant, The Pingry School, and John Does (1-10) while acting within the course and scope of their employment, had the ability to assign, appoint and/or remove Defendants Thad Alton and Bruce Bohrer from any assignment.

51. As an agent, servant and/or employee of The Pingry School, Defendants Thad Alton and Bruce Bohrer who were acting within the scope and course of their employment, and thereby had

used power and influence of their position as an actual and apparent agent of Defendants to harass, sexually assault, molest, fondle and humiliate Plaintiff, W.T. while he was a student.

52. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

WHEREFORE, Plaintiff W.T. demands judgment against Defendants, The Pingry School, Thad Alton, Bruce Bohrer, and John Does (1-10), jointly and severally for compensatory and punitive damages together with interest, costs of suit, attorney's fees and other appropriate relief.

JURY DEMAND

Pursuant to R. 4:35-1, Plaintiff hereby demands a trial by jury as to all matters herein.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, DANIEL R. BEVERE, ESQ., is hereby designated as trial counsel.

CERTIFICATION

Pursuant to R. 4:5-1, I hereby certify that the matter in controversy is not the subject of any other action pending in any court or a pending arbitration proceeding and none is contemplated. I know of no other party who should be joined in this action.

I further certify that all personal identifiers have been redacted from the Complaint in the above referenced matter as no personal information was provided.

PIRO, ZINNA, CIFELLI, PARIS
& GENITEMPO, L.L.C.
Attorneys for Plaintiff

BY: s/Daniel R. Bevere
DANIEL R. BEVERE
A Member of the Firm

Dated: February 26, 2018